

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FRANK TUFANO,

Plaintiff

v.

JAKE LEVY and BETTER LIFE
FOODS INC.,

Defendants

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CIVIL ACTION NO. 3:23-cv-2106

(JUDGE MANNION)

ORDER

In accordance with the memorandum issued this same day, IT IS
HEREBY ORDERED THAT:

- (1) The Report and Recommendation of Magistrate Judge Schwab, (Doc. 14), is **ADOPTED IN PART** and **NOT ADOPTED IN PART**.
- (2) Plaintiff's objection to the Report, (Doc. 15), is **OVERRULED**.
- (3) Plaintiff's Amended Complaint, (Doc. 10), is **DISMISSED WITH LEAVE TO AMEND**.
- (4) Plaintiff's motion for preliminary injunction, (Doc. 11), is **HELD IN ABEYANCE** pending an amendment establishing jurisdiction.

(5) This action is **REMANDED** to Judge Schwab for further proceedings.



MALACHY E. MANNION
United States District Judge

DATE: February 21, 2024
23-2106-01-ORDER